

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7 ROBERT E. STEWART,
8 Plaintiff,
9 v.
10 STATE OF NEVADA et al.,
11 Defendants.
12

2:16-cv-02019-JCM-GWF

ORDER

I. DISCUSSION

14 On June 27, 2017, the Court directed the Attorney General's Office to provide a list of
15 names of the employees who worked at Ely State Prison ("ESP") during September 2014 and
16 October 2014 with some version of the name "West" or "Montoya" and their occupations at the
17 time. (ECF No. 8 at 2). The Attorney General's Office has provided the list to the Court. (ECF
18 No. 10).

19 Plaintiff is now permitted to conduct limited pre-service discovery in an effort to
20 ascertain the true identities of Defendants “West” and “Montoya.” Plaintiff will be permitted
21 to serve ten (10) interrogatories on the Attorney General’s Office in order to discover the
22 identities of the “West” and “Montoya” described in Plaintiff’s complaint. If Plaintiff and the
23 Attorney General’s Office learn the identities of the “West” and “Montoya” who allegedly
24 violated Plaintiff’s rights, the Attorney General’s Office shall enter a limited notice of
25 appearance on behalf of those defendants for the purpose of settlement in compliance with
26 this Court’s screening order (ECF No. 5).

II. CONCLUSION

28 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall
electronically **SERVE** a copy of this order on the Office of the Attorney General of the State

1 of Nevada, attention Traci Plotnick.

2 IT IS FURTHER ORDERED that Plaintiff will be permitted to serve ten (10)
3 interrogatories on the Attorney General's Office in order to discover the true identities of the
4 "West" and "Montoya" identified in Plaintiff's complaint. Plaintiff shall serve his ten (10)
5 interrogatories on the Attorney General's Office within thirty (30) days from the date of this
6 order.¹

7 IT IS FURTHER ORDERED that, if Plaintiff and the Attorney General are able to
8 discover the true identities of the "West" and "Montoya" identified in Plaintiff's complaint, the
9 Attorney General's Office shall enter a limited notice of appearance on behalf of those
10 defendants for the purpose of settlement in compliance with this Court's screening order (ECF
11 No. 5).

12 IT IS FURTHER ORDERED that, within forty-five (45) days from the date of this order,
13 the Attorney General's Office shall either file a limited notice of appearance on behalf of those
14 defendants for the purpose of settlement or file a notice informing the Court about the status
15 of the identities of "West" and "Montoya."

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17 DATED: This 11th day of July, 2017.

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19 
United States Magistrate Judge

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28 ¹ Plaintiff should serve his interrogatories to Izaac Rowe, Esq., Nevada Attorney General's Office, 555 E. Washington Street., Ste. 3900, Las Vegas, Nevada 89101.